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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,486	10/21/2005	Doerte Eimers-Klose	10191/3910	3947
26646 7590 08/01/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER BLAIR, DOUGLAS B				
ART UNIT 2142		PAPER NUMBER		
MAIL DATE 08/01/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,486

Applicant(s)

EIMERS-KLOSE ET AL.

Examiner

DOUGLAS B. BLAIR

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Appeal Brief

In view of the Appeal Brief filed on 5/23/2008, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below at the conclusion of this office action.

Response to Arguments

Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection. After further review U.S. Patent Number 6,212,546 is viewed to better show why the applicant's claimed invention is not patentable.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,212,546 to Starkovich et al. in view of WO 01/26337 by Gelvin et al.

As to claim 8, Starkovich teaches a device for connecting subnets, comprising: a gateway unit configured to connect at least two subsystems, wherein the gateway unit is made of at least one modular software gateway, which routes messages between only two subnets (See Abstract and col. 3, lines 3-16 and corresponding detailed disclosure); however Starkovich does not explicitly teach such a gateway being part of a vehicle.

Gelvin shows a gateway for routing messages between subnets in a vehicle (pages 12-14 and Figures 3 and 5 as explained in the last office action).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Starkovich with respect to modular gateways with the teachings of Gelvin regarding networks and gateways in vehicles because having a network in a vehicle allows devices internal and external to the vehicle to communicate (See Gelvin abstract).

As to claim 9, Starkovich teaches a device wherein at least three subnets are connected to the gateway unit, the gateway unit including a plurality of modular software gateways, each of the modular software gateways routing messages between only two subsystems (See Figure 7 and corresponding disclosure).

As to claim 10, Starkovich teaches a device further comprising: bus-specific receiving objects configured to relay incoming messages to selected software gateways, the bus-specific receiving objects being provided for each subnet (See Figure 7 and corresponding disclosure).

As to claim 11, Starkovich teaches a device wherein the receiving objects include routing tables in which a treatment of incoming messages is configured (See Figure 7 and corresponding disclosure).

As to claim 12, Starkovich teaches a device further comprising: bus-specific transmitting objects configured to monitor access to a particular bus, for each subnet (See Figure 7 and corresponding disclosure).

As to claim 13, Starkovich teaches a device wherein the modular software gateway is configured to buffer incoming messages and perform protocol-specific adaptations (See Figure 7 and corresponding disclosure).

As to claim 14, Starkovich teaches a device for connecting subnets comprising: a gateway unit configured to connect at least two subsystems, the gateway unit being integrated in a control unit having an application system and being provided in one layer of a communication system, the gateway unit including at least one modular logical gateway, the logical gateway connecting only two subsystems (See Abstract and col. 3, lines 3-16 and corresponding detailed disclosure); however Starkovich does not explicitly teach such a gateway being part of a vehicle.

Gelvin shows a gateway for routing messages between subnets in a vehicle (pages 12-14 and Figures 3 and 5 as explained in the last office action).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Starkovich with respect to modular gateways with the teachings of Gelvin regarding networks and gateways in vehicles because having a network in a vehicle allows devices internal and external to the vehicle to communicate (See Gelvin abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Examiner, Art Unit 2142

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142